AWARD

The Government of Karnataka by their order No. SWL 834 LLD 76, dated 8th February 1979, have referred the following points of dispute to this Court for adjudication :—

POINTS OF DISPUTE

1. Is the management justified in terminating the services of Sri M. D. Hussain, Driver, w.e.f. 7th March 1976?
2. If not, to what relief is the said workman entitled?

Both the parties though duly served with the notice of this reference have remained absent. As per the points of dispute, the burden was on the second party management to prove that they were justified in terminating the services of the first party workman w.e.f. 7th March 1976. The second party management has not appeared and has not adduced any evidence to show that they were justified in terminating the services of the first party workman. Hence, it has to be held that the termination of the services of the first party workman is illegal and therefore not justified. The reference is thereore allowed. The second party management is directed to take back the first party workman on duty within one month from the date of publication of the award in the *Karnataka Gazette*. Since the workman is absent there will be no order regarding back wages and continuity of service. No costs.

Mysore,
Dated: 18th April 1979.

P. B. CHAUGULE,
Presiding Officer,
Labour Court, Mysore.

Order No. SWL 132 LLA 79.
Bangalore, dated 22nd/23rd May 1979.

Whereas by State Government Order No. SWL 834 LLD 76, dated 8th February 1979, the Industrial dispute between the workmen and the management of M/s. Modern Travels, Sarva Nilaya, Shankar Mutt Road, Mysore-1 was referred to the Labour Court, Mysore for adjudication;

And, Whereas the Presiding Officer, Labour Court, Mysore, has submitted to the State Government its award in respect of the said Industrial Dispute;

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

J. PILLAPPA,
Desk Officer,
Social Welfare and Labour Department.
(Labour 'A' Section).

1151—S.O.1566